

# **2005 Request for Proposals**

**Agency Name:** U.S. Environmental Protection Agency, Region 9

**Funding Opportunity Title:** Compliance Assurance Assistance for Region 9 Tribal Programs

Announcement Type: Initial Solicitation

## **Overview**

EPA Region 9 is soliciting proposals for Tribal compliance assurance programs. The funding supports Tribal compliance activities including inspections, investigations, regulatory training, compliance assistance, outcome measurement, public education and outreach and studies relating to the causes, effects, extent, prevention, reduction and elimination of pollution. Priority projects, under the Office of Enforcement and Compliance Assurance, include protection of public health in Indian Country for drinking water, tribal schools, solids waste, or other Tribal environmental priorities. Grants and/or cooperative agreements will be awarded under the following authorizations: Clean Water Act, Section 104; Federal Insecticide, Fungicide, and Rodenticide Act Section 20; Clean Air Act, Section 103; Solid Waste Disposal Act, Section 8001; Safe Drinking Water Act, Section 1442; Toxic Substances Control Act, Section 10; Marine Protection, Research and Sanctuaries Act, Section 203; Indian Environmental General Assistance Program Act, 42 U.S.C. §4368b.

**Catalog of Federal Domestic Assistance Number: 66.709**

## **Important Dates:**

**November 21, 2005**-- Proposals must be received by EPA.

**December 9, 2005**--Initial approvals will be identified; sponsors of projects selected for funding will be requested to submit a formal application package. Schedule may be modified based on the level of response.

**January 10, 2006**-- Full application and work plans must be submitted to EPA.

**March 10, 2006** – Awards are to be made.

The above dates are estimates and are subject to change.

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# **Tribal Compliance Assurance: 2005 Request for Proposals**

## **Full Text Announcement**

### **I. Funding Opportunity Description**

EPA Region 9 is soliciting proposals for Tribal compliance assurance programs. The funding supports Tribal compliance activities including inspections, investigations, regulatory training, compliance assistance, outcome measurement, public education and outreach and studies relating to the causes, effects, extent, prevention, reduction and elimination of pollution. Priority projects, under the Office of Enforcement and Compliance Assurance, include protection of public health in Indian Country for drinking water, tribal schools, solids waste, or other Tribal environmental priorities. Grants and/or cooperative agreements will be awarded under the following authorizations: Clean Water Act, Section 104; Federal Insecticide, Fungicide, and Rodenticide Act Section 20; Clean Air Act, Section 103; Solid Waste Disposal Act, Section 8001; Safe Drinking Water Act, Section 1442; Toxic Substances Control Act, Section 10; Marine Protection, Research and Sanctuaries Act, Section 203; Indian Environmental General Assistance Program Act, 40 CFR, Part 35.

The public health and environmental protection focus of the project must relate to compliance assistance, compliance assurance, and enforcement of environmental regulations with respect to tribal drinking water, tribal schools, and solid waste disposal on tribal lands.

These sources are distributed as part of EPA's Operating Funds under Goal 5 - Compliance and Environmental Stewardship, Objective 5.1 - Improve Compliance, Sub-objective 5.1.1 - Compliance Assistance, Sub-objective 5.1.2 - Compliance Incentives, and Sub-objective - 5.1.3 Monitoring and Enforcement which improve environmental performance through compliance with environmental requirements, preventing pollution, and promoting environmental stewardship; protect human health and the environment by encouraging innovation and providing incentives for governments, business and the public that promote environmental stewardship.

EPA's Strategic Plan can be found on the following web page:

<http://www.epa.gov/ocfo/plan/2003sp.pdf>

In support of Goal 5, Objective 5, EPA will award grants to federally recognized Indian tribes and/or inter-Tribal consortia pursuant to the respective topics above. Proposed projects are expected to accomplish various environmental outcomes to the extent practicable and include various environmental outputs. Each topic area includes a description of the applicable environmental outcomes/outputs for that area, not all of which would be achievable within an assistance agreement funding period, and not all of which would necessarily result from each project selected.

### **EXPECTED OUTPUTS AND OUTCOMES**

These funds are available to improve the quality of environmental data, train tribal environmental professionals on the legal and technical aspects of compliance and enforcement issues, enhance tribal inspector capacity through specialized inspector training, and address compliance issues associated with solid waste, tribal schools, and public water systems.

EPA is interested in funding projects which also address long term compliance of environmental regulations through increased awareness of and behavior changes by the regulated community, e.g., the use of a community-based social marketing (CBSM) approach. This approach entails research, barrier identification, identification and development of solutions, outreach and partnerships. Projects with transferability and a communication plan to make that transfer to other potentially interested parties will be considered within the review criteria.

Outputs and outcomes expected from projects funded through this announcement include:

- improved information to help tribal environmental programs target compliance assistance, compliance assurance and enforcement of regulations on tribal lands;
- better informed and equipped tribal environmental staff with the capacity to effectively address compliance issues associated with solid waste, tribal schools and public water systems;
- a better informed public in Indian Country regarding safe schools, solid waste disposal and safe drinking water;
- better informed owners/operators of public drinking water supply systems and improved compliance with drinking water regulations;
- long term compliance through community-based social marketing.

While the Tribal Priority starts from the premise that compliance assurance and enforcement at tribal schools, drinking water, and waste management are significant focus areas, these resources may also be made available for other, targeted compliance assurance and enforcement activity in Indian country if the areas identified are of higher concern from a regional perspective.

These activities are authorized by the following statutes:

Clean Water Act, Section 104(b) (3): conduct and promote the coordination and acceleration of research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, reduction, and elimination of water pollution.

Safe Drinking Water Act, Section 1442(c)(3)(A): develop, expand, or carry out a program (that may combine training, education, and employment) for training persons for occupations relating to the public health aspects of providing safe drinking water including underground injection control (UIC)

Solid Waste Disposal Act, Section 8001(a): conduct and promote the coordination of research, investigations, experiments, training, demonstrations, surveys, public education programs, and studies relating to solid waste (e.g., health and welfare effects of exposure to materials present in solid waste and methods to eliminate such effects).

Clean Air Act, Section 103(b) (3): conduct research, investigations, experiments,

demonstrations, surveys, and studies relating to the causes, effects (including health and welfare effects), extent, prevention, and control of air pollution.

Toxic Substances Control Act, Section 10(a) as amended by Public Law 106-74: conduct research, development, monitoring, public education, training, demonstrations, and studies on toxic substances.

Federal Insecticide, Fungicide, and Rodenticide Act, Section 20(a) as amended by Public Law 106-74: conduct research, development, monitoring, public education, training, demonstrations, and studies on pesticides.

Indian Environmental General Assistance Program Act, 42 U.S.C. §4368b: Activities eligible for funding under this program are those for planning, developing, and establishing capability to implement environmental protection programs including development of solid and hazardous waste programs.

## **II. Award Information**

EPA Region 9 anticipates awarding approximately a total of \$100,000 in grants and/or cooperative agreements. EPA Region 9 anticipates awarding 1 to 3 grants and/or cooperative agreements ranging from approximately \$30,000 to \$90,000. If cooperative agreements are awarded, EPA will have substantial involvement with the project workplans and budgets. Funding for these projects is not guaranteed and is subject to the availability of funds. EPA reserves the right to reject all proposals or applications and make no awards.

EPA reserves the right to partially fund proposals by funding discrete activities, projects, or phases of proposed proposals. If EPA decides to partially fund proposals, it will do so in a manner that does not prejudice any applicants or affect the basis upon which the proposal, or portion thereof, was evaluated and selected for award, and that maintains the integrity of the competition and evaluation/selection process.

## **III. Eligibility Information**

### **A. Eligible Applicants**

Federally-recognized tribal governments and intertribal consortia in the Region 9 geographic area.

### **B. Threshold Eligibility Criteria**

To be eligible, applicants and proposed projects will need to meet all of the following threshold criteria. Threshold criteria will be applied on a pass/fail basis. Failure to meet any of them will render an application ineligible; ineligible applications will not be reviewed. Please note there are no limitations on the number of applications that an applicant may submit.

#### Threshold Criterion 1: Geographic Focus

The project must take place in EPA Region 9 Indian Country. Proposed work must take place in and address environmental issues impacting one or more of the Region 9 Tribal

Nations.

Threshold Criterion 2: Allowable Activities

The project must consist of activities authorized under one or more of the following EPA grant authorities:

Clean Water Act, Section 104(b) (3),  
Safe Drinking Water Act, Section 1442(c)(3)(A),  
Solid Waste Disposal Act, Section 8001(a),  
Clean Air Act, Section 103(b) (3),  
Toxic Substances Control Act, Section 10(a) as amended by Public Law 106-74, and  
Federal Insecticide, Fungicide, and Rodenticide Act, Section 20(a) as amended by Public Law 106-74.  
Indian Environmental General Assistance Program (GAP) Act, 42 U.S.C. 4368b.

Threshold Criterion 3: Environmental Focus

The public health and environmental protection focus of the project must relate to compliance assistance, compliance assurance, and enforcement of environmental regulations with respect to tribal drinking water, tribal schools, and solid waste disposal on tribal lands. A proposal may include other environmental priorities identified by the tribe and must be covered by the authorities authorized in the statutes specified under Threshold Criterion 2 above.

**C. Matching funds are not required under this solicitation;** however, applicants will be evaluated on their ability to provide leveraging funds, see section V evaluation criteria.

## **IV. Application and Submission Information**

Proposals must be limited to five pages. If proposals exceed five pages, only the first five pages of the proposal will be considered in the review process. Full application packages must not be submitted at this time. It is recommended that confidential information not be included in the proposals. Please note that Research is ineligible for funding, as are other ineligible costs outlined in 40 CFR, Part 31.

**Content and Form of Proposal Submission.**

The following format should be used for all proposals:

1. Name of Project
2. Point of contact (Individual and Organization Name, Address, Phone Number, Fax Number, E-mail Address)
3. Proposed amount of federal funding
4. Description of general budget proposed to support project
5. Project geographic area
6. Project description
7. Expected accomplishments or product, with dates, and interim milestones. This

- section should also include a discussion of a communication plan for distributing the project results to interested parties.
8. Expected results/outcomes (including any direct public health and environmental benefits and/or changes in compliance and understanding of environmental requirements).

### **Submission Dates and Times**

**By mail:** Proposals must be received by EPA Region 9 by November 21, 2005

**Late Proposals will not be reviewed.**

Please send proposals to:

**Kate Nooney  
U.S. EPA Region 9 (PPA-1)  
75 Hawthorne St.  
San Francisco, CA 94105**

**Electronically:** We will accept materials in the following formats: Microsoft Word, Corel WordPerfect, or Adobe Acrobat (PDF). E-Mail proposals to: [nooney.kate@epa.gov](mailto:nooney.kate@epa.gov).

Proposals must be received by November 21, 2005. ***Proposals received after this date will not be reviewed.***

EPA Region 9 will respond to questions from individual applicants regarding threshold eligibility criteria and requests for clarification about the announcement. However, in accordance with EPA's Competition Policy of January 11, 2005 (EPA Order 5700.5A1), EPA staff will not meet with individual applicants to discuss draft proposals, provide informal comments on draft proposals, or provide advice to applicants on how to respond to ranking criteria. Applicants are responsible for the contents of their applications.

### **Confidential Business Information**

In accordance with 40 CFR 2.203, applicants may claim all or a portion of their application/proposal as confidential business information. EPA will evaluate confidentiality claims in accordance with 40 CFR Part 2, Subpart B. Applicants must clearly mark applications/proposals or portions of applications/proposals they claim as confidential. If no claim of confidentiality is made, EPA is not required to make the inquiry to the applicant otherwise required by 40 CFR 2.204(c)(2) prior to disclosure.

**Intergovernmental Review:** The applicant should consult the Regional Indian Program Coordinator designated as the single point of contact for more information. This program is excluded from coverage under E.O. 12372.

All applicants applying for funding, including renewal funding, must have a Dun and Bradstreet Universal Data Numbering System (DUNS) number. Applicants that do not already have a DUNS number may find instructions for obtaining one at the following

website: <http://www.grants.gov/GetStarted>

## **V. Application Review Criteria**

EPA will award grants on a competitive basis/and evaluate proposals based on the following criteria:

- 30 points: The relationship of the proposed project to the priorities identified in this notice as stated in section **I. Expected Outputs and Outcomes**.
- 25 points: Tribal Priority strategy to address compliance on tribal lands, improve protection of public health for tribal schools, drinking water and address solid waste or to address other high priority tribal environmental needs, issues, or interests.
- 10 points: Leveraging of other resources. Applicants will be evaluated based on the extent they demonstrate (i) how they will coordinate the use of EPA funding with other Federal and/or non Federal sources of funds to leverage additional resources to carry out the proposed project and/or (ii) that EPA funding will compliment activities relevant to the proposed project(s) carried out by the applicant with other sources of funds or resources. Applicants may use their own funds or other resources for a voluntary match or cost share if the standards of 40 CFR 31.24 are met. Only eligible and allowable costs may be used for matches or cost shares. Other Federal grants may not be used as matches or cost shares without specific statutory authority (e.g. HUD's Community Development Block Grants).
- 15 points: Plan for tracking and measuring its progress toward achieving the expected outputs and outcomes identified in Section I of the announcement.
- 15 points: Communication plan to transfer results of the project to other potentially interested parties.
- 5 points: How well the proposal details an approach which addresses long-term compliance issues (community-based social marketing).

The proposals will be evaluated by USEPA staff. Final selection for the projects will be made by the EPA Division Director for the applicable program office. Selected entities will be notified and requested to submit full applications. Applicants chosen for funding will be asked to negotiate a final work plan with EPA. Please note that if your proposal is selected that does not constitute an award.

## **VI. Award Administration Information**

**Award Notices:** Recipient's whose Proposal is selected will be notified to submit a formal application kit for funding. These recipients will be invited to submit a detailed workplan and

the completed application for funding. Receipt of an application is not a guarantee for funding. Deadlines must be met and the work plan approved by the EPA Project Officer for funding to occur.

Applicants who do not meet any one of the threshold criteria will be notified within 15 business days of making the determination that they did not meet the threshold eligibility criteria.

**Funding Restrictions:** Successful applicants will be required to certify that they have not been debarred or suspended from participation in federal assistance awards in accordance with 40 CFR 32. Funding will not be permitted for construction activities, lobbying, entertainment expenses or other unallowable costs under the OMB circulars. Applicants should be aware that they are not authorized to begin performance on a project until they have received their official award document from the EPA's grant office. No pre-award costs may be incurred without EPA approval; pre-award costs are undertaken at the recipient's risk. Allowable costs for Tribes are defined in OMB circular A-87. Any contracts for services or products funded with EPA financial assistance must be awarded under the competitive procurement provisions of 40 CFR Part 31. Sub-awards/sub-grants must be consistent with the definitions of the terms 40 CFR 31.37, Sub-grants as applicable.

**Reporting:** Quarterly project status reports and Financial Status Reports will be required. Quarterly project reports should describe project activities and provide the EPA Project Officer with information about project development. The Financial Status Report must accurately account for all federal funds expended and identify appropriate use of federal funds.

**Disputes:** Assistance agreement competition-related disputes will be resolved in accordance with the dispute resolution procedures published in 70 FR (Federal Register) 3629, 3630 (January 26, 2005) which can be found at:

<http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-1371.htm>

Copies of these procedures may also be requested by contacting the Agency Contact listed below.

## **VII. Agency Contact Information**

For additional information or questions regarding this solicitation, please contact

Kate Nooney  
Project Officer  
Phone: (415) 947-4266  
Fax: (415) 947-3519  
Email: [nooney.kate@epa.gov](mailto:nooney.kate@epa.gov)



For information regarding community-based social marketing, please contact

Lori Lewis  
Regional Facilitator  
Phone: (415) 947-4259  
Fax: (415) 947-3519  
Email: [lewis.lori@epa.gov](mailto:lewis.lori@epa.gov)